

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 20

MAILED

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 25 2003

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH S. KNAPTON, III

Appeal No. 2000-2227
Application No. 09/089,834

ORDER PURSUANT TO 37 CFR § 1.14(g)

A merits panel entered a decision accompanied by an opinion on July 18, 2002 (Paper No. 15, attached). The Board is of the opinion that the decision should be published.

A. Finding of Fact:

On November 7, 2002, the Board of Patent Appeals and Interferences (hereinafter referred to as the "Board") mailed an Order Pursuant to 37 CFR § 1.14(g) (Paper No. 18) wherein the Board stated that it was of the opinion that appellant's decision mailed on July 18, 2002 (Paper No. 15) should be published.

On November 26, 2002, appellant filed a Response to Order Pursuant to 37 C.F.R. § 1.14(g) (Paper No. 19). On page 1 of

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appellant's response, appellant objects to publication of the decision mailed on July 18, 2002 (Paper No. 15) because, in particular, the decision discloses extensive confidential information. Moreover, appellant further states on page 2 of the Response that the entire background of the decision provides the substance of the invention, as well as claim limitations. However, in a continuation application filed by appellant on October 4, 2002 (Application No. 10/264,733), which was published on February 13, 2003 (Patent Application Publication No. US 2003/0033447), appellant discloses subject matter that is nearly identical to that of the instant application, which renders appellant's objection to publication of the instant application as moot.

B. Conclusion

Accordingly, it is

ORDERED that appellant is given one (1) month from the date of this order to object as to why the Board should not publish the decision filed on July 18, 2002 (Paper No. 15), and provide further reasoning therein.

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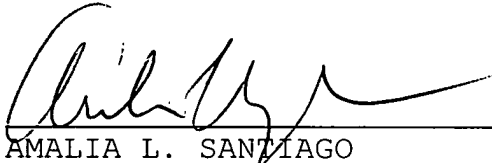
It is

FURTHER ORDERED that to avoid any possibility of the Board overlooking any objection, it is requested that any objection be filed by fax (703-308-7953).¹

It is

FURTHER ORDERED that if counsel desires to have their decision published, they should indicate whether they wish to appear as counsel of record when the opinion is published and, if so, how counsel should be listed.

BOARD OF PATENT APPEALS
AND INTERFERENCES



AMALIA L. SANTIAGO
Chief Board Administrator
(703) 308-9797

ALS:clm

¹ In this respect, it is noted that an objection cannot be based on a trade secret rationale given the publication as patents of the parent and great-grandparent.

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Timothy N. Trop
Trop, Pruner & Hu, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024